

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.38828 of 2014

Arising Out of PS.Case No. -16 Year- 2014 Thana -MAHILA P.S. District- SAMASTIPUR

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Md. Sabir son of Phool Hassan, resident of village Gaddopur Salempur,
Police Station National Highway Bangra, District Samastipur.

.... Petitioner/s

Versus

1. State of Bihar

2. Nasrin Parvin wife of Md. Sabir, daughter of Md. Issa, presently
residing at her father, resident of village Adharpur, Police Station
Samastipur(M), District Samastipur

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Choudhary Shyam Nandan, Adv.

For the Opposite Party/s : Mr. Madhuri Lata, APP

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL ORDER

5 10-02-2016 Heard Mr. Choudhary Shyam Nandan, learned counsel for
the petitioner, learned counsel for the State and Mr. Manas
Prakash for the informant.

The petitioner apprehending his arrest in connection with
Mahila P.S. Case No. 16 of 2014 registered for the offence
punishable under Section 498A of the Indian Penal Code and
Section 34 of the Dowry Prohibition Act, has filed this application
for grant of anticipatory bail.

It is considering the submission of learned counsel for the
petitioner that he is willing to a peaceful settlement of the dispute
that this Court while granting provisional bail to the petitioner
issued notice to the informant wife and who has appeared through
counsel. On appearance the matter was again taken up on
9.12.2015 when this Court noting the submission made by learned
counsel for the contesting parties referred the matter to the Patna
High Court Mediation and Conciliation Centre to explore a

possibility of settlement. The report has been received and in which the Mediator Mr. Satya Deo Kumar reports a failure of mediation.

While it is argued by Mr. Shyam Nandan learned counsel for the petitioner that there was a demand of Rs. 10,00,000/- by the informant, such submission is being denied by Mr. Prakash appearing for the informant. Both the counsel appearing for the contesting parties submit that they were present before the Mediator.

Despite the reported failure a suggestion was given to the learned counsel for the petitioner if he was willing for a settlement on other terms but the same has not found favour from the counsel for the petitioner, who refuses any form of settlement.

Having heard learned counsel for the parties and considering the nature of allegation that is made in the F.I.R. in the circumstances so discussed above, I am of the opinion that the petitioner may surrender before the Court below and pray for regular bail which shall be considered by the court below on its own merit and be disposed of in accordance with law without being prejudiced by the present order. The order of provisional bail passed on 20.3.2015 stands recalled.

This anticipatory bail application is disposed of.

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(Jyoti Saran, J)